

[Bracketed] and/or ~~strikethrough~~ material is that portion being deleted or amended
Underlined material is that portion being added

BILL NO. 8-21-13-1 (A)

SUMMARY - An Ordinance to amend the Unified Development Code to revise procedures for administrative applications within Title 30. (T30-0577-13).

ORDINANCE NO. 4127
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 30, CHAPTERS 30.16, 30.28, 30.44 AND 30.80, SECTION 30.16.210, TABLES 30.16-5, 30.16-8, 30.16-17, 30.17.5, 30.28-1, 30.44-1, 30.80-1 AND ADDING TABLE 30.16-21 TO REVISE PROCEDURES FOR ADMINISTRATIVE APPLICATIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 30, Chapter 30.16, Section 30.16.210 and Tables 30.16-5, 30.16-8, 30.16-17, 30.17.5 and adding Table 30.16-21 of the Clark County Code are hereby amended to read as follows:

Table 30.16-5 ADMINISTRATIVE TEMPORARY USE - AUTHORITY AND CONSIDERATION TABLE <i>SEE ALSO 30.16.210 for general process information and standards</i>	
a. Initiating Authority	Board, public utility, property owner, [or] leaseholder.
b. Standards for Acceptance	Applications shall only be accepted when expressly permitted under Tables 30.44-1 or 30.72-3. <u>Applications for a Temporary Outdoor Commercial Event must be submitted a minimum of 15 days prior to the event.</u>
c. Document Submittal Requirements	Application form 3 site plans Justification letter (See Section 30.16.240 Document Submittal Requirements)
d. Fee	\$100
e. Processing Time	[5] 10 working days for Temporary Outdoor Commercial Events <u>5 working days for applications for temporary signs as regulated per Table 30.72-2 or seasonal sales.</u>
f. Application Process	Administrative review per 30.16.210
g. Notice Requirements	None
h. Recommending Entities	Government Entities
i. Approval Authority	Zoning Administrator
j. Appeal Authority	The decision may be appealed [by submitting a special-use permit application per Table 30.16-4] <u>per Section 30.16.210.</u>
k. Standards for Approval	No administrative temporary use shall be approved unless the applicant demonstrates that the proposed temporary use is appropriate for its proposed location during the proposed period
l. Finality of Decision	Final and effective the date of action on the application]

Table 30.16-8 ADMINISTRATIVE MINOR DEVIATIONS - AUTHORITY AND CONSIDERATION TABLE <i>SEE ALSO 30.16.210 for general process information and standards</i>	
a. Initiating Authority	Property owner, leaseholder
b. Standards for Acceptance	Applications shall only be accepted for administrative minor deviations as specified in this Title. Applications may be processed to allow deviations up to 10% of the standards to allow for a construction error (even when this Title prevents the filing of deviations or waivers of development standards), only if the approved building permit plans showed the correct standard and previous related inspections were approved on the property.
c. Document Submittal Requirements	Application form 2 site plans 2 floor plans 2 elevations 2 assessor's maps Deed 3 justification letters Letters of consent from abutting property owners unless for Sight Zones 30.56.050 (See Section 30.16.240 Document Submittal Requirements)
d. Fee	\$50.00
e. Processing Time	10 working days
f. Application Process	Administrative review per 30.16.210
g. Notice Requirements	None
h. Recommending Entities	Government Entities.
i. Approval Authority	Zoning Administrator in cooperation with the Director of Public Works and the Director of Building
j. Appeal Authority	[Board] The decision may be appealed per Section 30.16.210 .
k. Standards for Approval	A minor deviation may be approved if there is no material detriment or injury to the neighborhood, or there is an alternative which will produce a living environment or design quality superior to that produced under the existing standards, as evidenced by concurrence from adjacent or abutting property owners when applicable
[l] k. Application Expiration	2 years to commence. No extensions shall be permitted

Table 30.16-17 EXTENSIONS OF TIME - AUTHORITY AND CONSIDERATION TABLE <i>SEE ALSO 30.16.210 for general process information and standards</i>	
a. Initiating Authority	Property owner, leaseholder, or same required initiating authority as original application
b. Standards for Acceptance	<ol style="list-style-type: none"> One Administrative extension of time for commencement or completion <u>may be accepted, [even if the original application has expired,] when[</u>: <ol style="list-style-type: none"> A] a separate and active Land Use Application or tentative map (must have an expiration date) for the initial development of the same property and project has been approved prior to the expiration date. The original application may be extended to match the expiration date of the active application or map [;] but in no case shall the administrative extension of time be approved for longer than a one (1) year period. A building permit application to construct the improvement has been submitted to the Building Official prior to the expiration date. The application may be extended to match the time limit for the issuance of the permit; or A building permit has been issued, construction commenced, and the project has been under continuous construction Administrative extension of time as permitted by this Title for applications approved administratively. Extension of time by hearing: For all other circumstances, a hearing extension of time may be requested. A request to extend an application shall be submitted before 5:00 p.m. of the day the application is due to expire, or the last working day prior to expiration.
c. Document Submittal Requirements	Application form 2 deeds (only if new owner) Disclosure form Fire permit survey form 3 justification letters List and quantities of hazardous materials only if applicable (See Clark County Fire Department's <i>Hazardous Materials Systems Guideline</i> , NRS, and NAC) 2 Records of survey for projects with Las Vegas Boulevard frontage must be submitted prior to approval of Extension of Time (See Section 30.16.240 for document submittal details)
d. Base Fee	\$150 base \$300 if original application is a Zone Boundary Amendment, Development Agreement, or Public Facilities Needs Assessment \$200 if original application is a tentative map If public hearing, notice fees for original application shall be added. (See Chapter 30.80, Fees)

SEE ALSO 30.16.210 for general process information and standards

e. Approximate Processing Time	Administrative Extension: [5] <u>10</u> working days
f. Application Process	Administrative review or hearing per 30.16.210
g. Notice Requirements	<ol style="list-style-type: none"> 1. No notice required for administrative extensions. 2. For a hearing extension: Posted notice, entity notice, and city notice. 3. In addition, if the original approval required a public hearing for any extension, or the Zoning Administrator determines that the general prosperity, health, safety, and welfare of the community will be served, notice shall be sent in accordance with the original application. 4. Any extension of time for a neighborhood casino shall be a public hearing with notice required as follows: posted notice, entity notice, city notice, and 2,500 foot radius notice. (See Section 30.16.230 for details)
h. Recommending Entities	Government Entities and Town Board unless a recommendation is not received by the Zoning Administrator.
i. Approval Authority	Zoning Administrator, Commission, or Board
j. Appeal Authority	[Board] The decision may be appealed per Section 30.16.210.

SEE ALSO 30.16.210 for general process information and standards

a. Initiating Authority	Property owner or leaseholder, or the operator of a community residence
b. Standards for Acceptance	Applications shall only be accepted when the applicant demonstrates that the proposed project is in conformance with the provisions of this Title.
c. Document Submittal Requirements	Application form Justification letter If applicable: 1. Parking analysis 2. Letters of consent 3. Photographs to confirm compliance with residential standards For Community Residences only – In addition to above: 2 floor plans 2 elevations 2 landscape plans 2 assessor's maps 2 deeds 2 legal descriptions Parking analysis If the applicant is a renter, notarized authorization to submit the application from the property owner. (See Section 30.16.240 for Document Submittal Requirements)
d. Base Fee	\$150 (except that applications for community residences shall be exempt from any fees)
e. Processing Time	10 working days
f. Application Process	Administrative review per 30.16.210
g. Recommending Entities	Government Entities
h. Approval Authority	Zoning Administrator
i. Appeal Authority	[The decision may be appealed by submitting a special use permit application per Table 30.16-4]. The decision may be appealed per 30.16.210 .
j. Standards for Approval	Development shall comply with all development standards as specified in this Title.
k. Application Expiration	2 years to commence For agriculture-gardening/greenhouse, home occupations, and auto repair accessory to a residence, a new zoning compliance application, with current letters of consent, shall be required every 2 years; every 5 years for community gardens.

30.16.210 Application Process. When specified within this Title that such an application is required or authorized, the approval authority shall consider applications in accordance with the following procedure in addition to the requirements listed in sections 30.16.040 through 30.16.200 above for specific application types:

1. **Applications.** Any application, amendment, or map requiring approval shall be filed with the Zoning Administrator and shall be presented to the approval authority for review and approval within the approximate time specified under the application type. Administrative applications shall be processed and acted upon without a formal hearing. Hearing applications shall be scheduled to a meeting before the approval authority; however, public hearing notices need not be sent to adjacent and nearby properties provided other required notice is given. Public hearing applications shall be scheduled to a meeting before the approval authority and shall be notified per the appropriate application requirement, including notice to adjacent and nearby properties.

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14. [Appeal.

- ~~A. Except for Administrative Temporary Uses, Administrative Minor Deviations, Zoning Compliance and applications acted on by the Board, the decision of the approval authority may be appealed to the Board within 5 working days of the decision, in which case the approval authority's decision will serve as a recommendation to the Board. All appeals shall be in writing, except that no appeal is required if, at the hearing on an item, Staff announces that the item shall be forwarded to the Board for final action. If appealed, the hearing process as shown below for appeals, re-petition, and reconsideration shall apply.~~
- ~~B. The appeal must be physically received by the Zoning Administrator by 5:00 p.m. of the fifth working day, or 5 working days after a notice of Administrative Decision has been mailed for administrative applications only. Once an appeal has been filed, it cannot be withdrawn.~~
- ~~C. Administrative Temporary Uses and Administrative Minor Deviations shall be final and effective the date of action on the application, and the manner of appeal is to submit, respectively, a special use permit for the use or a waiver of development standards for the deviation.~~
- ~~D. Any person may appeal the Board's approval of an application to expand the Gaming Enterprise District outside the Las Vegas Boulevard Gaming Corridor or the Rural Clark County Gaming Zone, per Chapter 463 of NRS, to the review panel of the Gaming Policy Committee within 10 working days of the decision of the Board.~~
- ~~E. A Planning Commissioner who voted on an application may not file an appeal.~~
- ~~F. In the event of an appeal, the application shall be scheduled for a hearing by the Board within 40 calendar days of the close of the appeal period unless continued for good cause. The Board may limit its discussion to the issues raised in the appeal.]~~

Finality of Decision. Except where an item has been appealed or forwarded to the Board for final action, a decision becomes final upon expiration of the appeal or reconsideration period. No permits or licenses shall be issued until the action becomes final.

- A. For all administrative applications other than administrative temporary uses for seasonal sales, or temporary signs per Table 30.72-2, administrative minor deviations to development standards within Chapters 30.32 and 30.52, and Zoning Compliance applications, the applicant shall be sent a Notice of Administrative Decision following action on the application. Action shall be final and effective 5 working days from the date the letter was sent unless appealed to the Board. The applicant or correspondent notification must include delivery confirmation.
- B. Action for administrative temporary use applications for seasonal sales or temporary signs per Table 30.72-2, administrative minor deviations to development standards within Chapters 30.32 and 30.52, and zoning compliance applications shall be final and effective on the date of action on the application.
- C. For all applications acted on by the Commission or Board, the Notice of Final Action shall be sent by first class mail following final action.

15. [Finality of Decision. Except where an item has been appealed or forwarded to the Board for final action, a decision becomes final upon expiration of the appeal or reconsideration period. No permits or licenses shall be issued until the action becomes final.

- ~~A. For all administrative applications other than administrative temporary uses, the applicant shall be sent a Notice of Administrative Decision following action on the application. Action shall be final and effective 5 working days from the date the letter was sent unless appealed to the Board. The applicant or correspondent notification must include delivery confirmation.~~
- ~~B. For all applications acted on by the Commission or Board, the notice shall be sent by first class mail following final action.]~~

Appeal.

A. Except for administrative temporary uses, administrative minor deviations, zoning compliance, administrative extensions of time and applications acted on by the Board, the decision of the approval authority may be appealed to the Board within 5 working days of the decision, in which case the approval authority's decision will serve as a recommendation to the Board. All appeals shall be in writing, except that no appeal is required if, at the hearing on an item, Staff announces that the item shall be forwarded to the Board for final action. If appealed, the hearing process as shown below for appeals, re-petition, and reconsideration shall apply.

i. For administrative temporary use applications for seasonal sales or temporary signs per Table 30.72-2, the manner of appeal is to submit a special use permit.

ii. For administrative temporary use applications for temporary outdoor commercial events, the manner of appeal is to submit a written request to appeal the Zoning Administrator's decision to the Board within 5 working days from when the Notice of Administrative Decision has been sent. The Zoning Administrator's decision will serve as a recommendation to the Board.

iii. For administrative minor deviation applications to development standards within Chapters 30.32 and 30.52, the manner of appeal is to submit a waiver of development standards.

iv. For administrative minor deviation applications to development standards other than those standards within Chapters 30.32 and 30.52, the manner of appeal is to submit a written request to appeal the Zoning Administrator's decision to the Board within 5 working days from when the notice of administrative decision has been sent. The Zoning Administrator's decision will serve as a recommendation to the Board.

v. For zoning compliance applications the manner for an appeal is to submit a special use permit for the use.

vi. For administrative extension of time applications, the manner of appeal is to submit a written request to appeal the Zoning Administrator's decision to the Board within 5 working days from when the notice of administrative decision has been sent. The Zoning Administrator's decision will serve as a recommendation to the Board.

B. The appeal must be physically received by the Zoning Administrator by 5:00 p.m. of the fifth working day following action on the application, or from when a notice of administrative decision has been mailed for applicable administrative applications. Once an appeal has been filed, it cannot be withdrawn.

C. Any person may appeal the Board's approval of an application to expand the Gaming Enterprise District outside the Las Vegas Boulevard Gaming Corridor or the Rural Clark County Gaming Zone, per Chapter 463 of NRS, to the review panel of the Gaming Policy Committee within 10 working days of the decision of the Board.

D. A Planning Commissioner who voted on an application may not file an appeal.

E. In the event of an appeal (does not include applications for which the manner of appeal is to submit a land use application), the application shall be scheduled for a hearing by the Board within 40 calendar days of the close of the appeal period unless continued for good cause. The Board may limit its discussion to the issues raised in the appeal.

16. Reconsideration.

A. Request. For any application, amendment, or map whereby final action is decided by the Board, any member of the Board who voted in favor of the motion which carried may request that the application, amendment, or map be reconsidered if made in writing and received by the Zoning Administrator within 5 working days of the decision, in which case the decision shall not become final. The request for reconsideration shall thereafter be scheduled for a hearing before the Board on the second zoning agenda after the request was made.

B. Rehearing. Should the Board approve reconsideration of the decision at the hearing, the application, amendment, or map shall be scheduled for a public hearing at a subsequent meeting of the Board.

17. Withdrawal. An application, amendment, or map withdrawn by the property owner or applicant shall cease its consideration. Thereafter, the only consideration shall be whether the application, amendment, or map is subject to the re-petition limits. An application, amendment, or map request withdrawn by the property owner or applicant shall be subject to the re-petition limits specified in this chapter unless accepted as withdrawn without prejudice by the Commission or Board. An application requested to be withdrawn by the County will be considered withdrawn without prejudice. A property owner or applicant may not withdraw any portion of an application that is initiated by a government entity.

[17]18. Re-petition. Unless initiated by a governmental entity, applications, amendments, and maps are subject to the following re-petition limits:

A. Unless expressly denied or withdrawn without prejudice, the same application, amendment, or map, or a different application, amendment, or map for a more intensive use or increase in density, shall not be accepted by the Zoning Administrator within 12 months of final action on the previous application, amendment, or map.

[18. Reconsideration.

A. Request. For any application, amendment, or map whereby final action is decided by the Board, any member of the Board who voted in favor of the motion which carried may request that the application, amendment, or map be reconsidered if made in writing and received by the Zoning Administrator within 5 working days of the decision, in which case the decision shall not become final. The request for reconsideration shall thereafter be scheduled for a hearing before the Board on the second zoning agenda after the request was made.

B. Rehearing. Should the Board approve reconsideration of the decision at the hearing, the application, amendment, or map shall be scheduled for a public hearing at a subsequent meeting of the Board.]

Table 30.16-21 APPEAL PROCEDURE TABLE		
SEE ALSO 30.16.210 for general process information and standards		
Application Type	Manner of Appeal	Time Frame To Appeal
All applications except for administrative temporary uses, administrative minor deviations, zoning compliance, administrative extensions of time and applications acted on by the Board.	Written request of appeal	5 working days from date of decision of the Commission
For administrative temporary use applications for temporary signs per Table 30.72-2 or seasonal sales, and zoning compliance applications.	Special use permit	None
For administrative temporary use applications for temporary outdoor commercial events	Written request of appeal	5 working days from when the Notice of Administrative Decision has been sent
For administrative minor deviation applications to development standards within Chapters 30.32 and 30.52	Waiver of development standards	None
For administrative minor deviation applications to development standards other than those standards within Chapters 30.32 and 30.52	Written request of appeal	5 working days from when the Notice of Administrative Decision has been sent
For administrative extension of time applications	Written request of appeal	5 working days from when the Notice of Administrative Decision has been sent
Board's approval of an application to expand the Gaming Enterprise District outside the Las Vegas Boulevard Gaming Corridor or the Rural Clark County Gaming Zone per Chapter 463 of NRS	Review Panel of the Gaming Policy Committee	10 working days of the decision of the Board

SECTION 2. Title 30, Chapter 30.28, Table 30.28-1 of the Clark County Code is hereby amended to read as follows:

Table 30.28-1 See Also 30.16.210 for general process information and standards

MAJOR SUBDIVISION TENTATIVE MAP- AUTHORITY AND CONSIDERATION TABLE

o. Extension of Time	Provided that the requirements specified in Table 30.28-1(1) have been satisfied, a tentative map may be extended in accordance with the procedure shown in Table 30.16-17 except that administrative extensions of time are not permitted.
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SECTION 4. Title 30, Chapter 30.80, Table 30.80-1 of the Clark County Code is hereby amended to read as follows:

Table 30.80-1 Fee Schedule for Land Use Applications		
Application	Fee	Additional Fees:
Administrative Design Review (ADR)	\$300	(if required) \$500 Pre-submittal Conference Fee required for the following: <ul style="list-style-type: none">• Nonconforming Zone Changes• Uses involving hazardous chemicals, explosives, materials or wastes in amounts regulated by NRS and NAC• Planned Unit Development• Mixed Use Development• Neighborhood Casinos• High Impact Project• Resort Hotel
Off-Premise Digital Sign Conversion	\$10,000	
Administrative Extension of Time (ADET)	\$150, or \$300 for a Zone Change	
Administrative Minor Deviation	\$50	
Administrative Street Naming	No Fee	
Administrative Temporary Use	\$100	
Administrative Vacation and Abandonment	\$200	
Annexation Request	\$1,000	
Design Review (except as noted below)	\$300 plus, if applicable: Notice, Sign Fee and \$500 Pre-submittal Fee	
Design Review, High Impact Project	\$2,000, plus \$500 Pre-submittal Fee if applicable	
Design Review, Project of Regional Significance	\$500	Notice Fee: Abutting property \$75 100' - \$25 300' - \$75 500' - \$100 750' - \$200 1,000' - \$350 1,500' - \$500 2,500' - \$1,000 Plus \$1 per notice over 1,000 notices for any radius VS Certified - \$200 Sign Fee: \$125
Extension of Time	\$150 \$300 for a Zone Change plus Notice Fees if applicable	
Special Use Permit (except as noted below)	\$325 plus, if applicable: Sign Fee and \$500 Pre-submittal Fee	
Special Use Permit, Alcohol as a principal use outside a Gaming Enterprise District	\$850, plus \$500 Pre-submittal Fee if applicable	
Special Use Permit, Mixed Use Development	\$10,000	
Special Use Permit, Gaming Enterprise District Expansion	\$10,000	
Special Use Permit, Hazardous Materials pursuant to NRS 278.147	\$1,050, plus \$500 Pre-submittal Fee if applicable	
Special Use Permit, High Impact Project	\$850, plus \$500 Pre-submittal Fee	
Special Use Permit, Project of Regional Significance	\$450	
Street Name or Numbering System Change	\$300	
Text Amendment	\$200, plus, if applicable: Notice, Sign Fees, and \$500 Pre-submittal Fee for Mixed Use Development	
Vacation & Abandonment	\$300 plus \$200 delivery confirmation mail fee	
Variance (except as noted below)	\$325, plus, if applicable: Notice Fee	
Variance, Less than 30% deviation	\$250	
Variance, High Impact Project or Project of Regional Significance	\$450	
Waiver of Conditions	\$300, plus Notice Fee if applicable	
Waiver of Standards (except as noted below)	\$325, plus, if applicable: Notice Fee	
Waiver of Standards, non public hearing	\$225	
Waiver of Standards, Less than 30% deviation	\$250	
Waiver of Standards, High Impact Project or Project of Regional Significance	\$450	

SECTION 5. If any section of this ordinance or portion of thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 6. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 7. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with names of the County Commissioners voting for or against its passage, in a

newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks; on 10/7/13. A land use application approved prior to the effective date of this ordinance may be developed per the plans approved with the application.

PROPOSED on the 21st day of August, 2013

PROPOSED By: Steve Sisolak

PASSED on the 4th day of September, 2013

VOTE:


AYES: Susan Brager
Lawrence L. Brown III
Tom Collins
Chris Giunchigliani
Mary Beth Scow
Steve Sisolak
Lawrence Weekly

NAYS: None

ABSTAINING:
None

ABSENT:
None

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By 
STEVE SISOLAK, Chair

ATTEST:


DIANA ALBA, County Clerk

This ordinance shall be in force and effect from and after the 7th day
of October, 2013.